



WEB COPY



W.P.No.13280 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.13280 of 2017

and

W.M.P.Nos.14276 & 14277 of 2017

C.M.Balagopal

. . . Petitioner

Vs.

1. State rep by
Sub-Registrar Joint-I
Office of the Sub-Registrar,
Saidapet,
Chennai-600 015.

2. The District Registrar, Chennai-South
Office of the District Registrar,
Saidapet, Chennai-600015

3. T.R.Dhanajeyan

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Certiorari or any other Writ or Order in the form of a Writ to call for the records and quash the impugned Deed of Revocation of the General Power of Attorney which has been registered as Document No.8659 of 2016



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dated 18.08.2016 before the Sub-Registrar, Joint-I, Saidapet, Chennai the first respondent herein.

For Petitioner : No Appearance

For Respondent : Mr.G.Krishna Raja,
Additional Government Pleader for R1 & R2+.

ORDER

The present petition has been filed seeking to quash the impugned Deed of Revocation of the General Power of Attorney which has been registered as Document No.8659 of 2016 dated 18.08.2016 on the file of the 1st Respondent.

2. It is seen from the available records that, though this Writ Petition is of the year 2017, however, the petitioner had not come forward to prosecute the case. Even today there is no appearance for the petitioner. Hence, this Court is inclined to take up the matter for final disposal and decide the same on merits based on the materials available on record.



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3. It is the case of the petitioner that he is the Power of Attorney

Holder of the suit schedule property, which was executed by the 3rd respondent. While so, upon the request made by the 3rd respondent, the petitioner, acting as a power agent, had carried out the construction work in the said property, with his own money, however, the 3rd respondent had not repaid the same, which resulted in the petitioner selling certain extent of the said property. Aggrieved by the same, the 3rd respondent, being the principal, with an intent to cancel the Power of Attorney which was executed in favour of the petitioner, had issued notice dated 18.08.2016 expressing his view to cancel the Power of Attorney and on 18.08.2016, the impugned deed of revocation of Power of Attorney came to the executed by the 3rd respondent. Challenging the same, the present petition has been filed.

4. On the above contentions, this Court, heard the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



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5. It is the admitted case of the petitioner that he is the Power of Attorney holder of the subject property which belongs to the 3rd respondent.

However, due to certain alleged irregularities committed by the petitioner, the 3rd respondent being the principal had issued notice for canceling the Power of Attorney which was executed in favour of the petitioner. It is to be pointed out that the 3rd respondent is well within the his rights to cancel the Power of attorney executed in favour of the petitioner by putting the petitioner on notice and also proceeding with revoking the Power of Attorney and if the petitioner is in any way aggrieved by non-payment of money due to him from the 3rd respondent, the relief for the petitioner lies elsewhere and not before this Court under Article 226 of the Indian Constitution. In view of the above, this Court under its inherent jurisdiction cannot exercise its powers to go into the impugned deed of revocation of Power of Attorney as the Principal has every right to cancel the Power of Attorney which was executed in favour of the petitioner. Hence, the prayer sought for in this Writ Petition cannot be granted and the impugned deed of Revocation of Power of Attorney cannot be interfered.



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6. For the reasons aforesaid, this Writ Petition is devoid on merits and the same is dismissed accordingly. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

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NHS

Index : Yes / No

Internet : Yes / No



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M.DHANDAPANI, J.

NHS

To

1. The Sub-Registrar Joint-I
Office of the Sub-Registrar,
Saidapet,
Chennai-600 015.
2. The District Registrar, Chennai-South
Office of the District Registrar,
Saidapet, Chennai-600015

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